

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KELLY RAY BARBER,

Defendant.

No. 12-CR-3050-LRR

ORDER

The matter before the court is United States Magistrate Judge Jon S. Scoles's Report and Recommendation (docket no. 28), which recommends that the court deny Defendant Kelly Ray Barber's "Motion to Suppress" ("Motion") (docket no. 16).

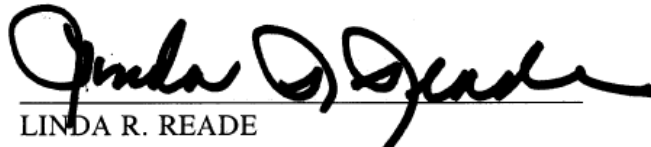
On December 28, 2012, Defendant filed the Motion, which requests that the court suppress all evidence obtained as a result of an October 11, 2012 traffic stop. On January 4, 2013, the government filed a Resistance (docket no. 19). On January 17, 2013, Judge Scoles held a hearing on the Motion. *See* Minute Entry (docket no. 25). Defendant appeared in court with his attorney, John D. Jacobsen. Assistant United States Attorney John H. Lammers represented the government. On January 25, 2013, Judge Scoles issued the Report and Recommendation, which recommends that the court deny the Motion. The Report and Recommendation states that, "within fourteen (14) days after being served with a copy of this Report and Recommendation, any party may serve and file written objections with the district court." Report and Recommendation at 10.

The time to object to the Report and Recommendation has expired and neither party has filed any objections. The parties have thus waived their right to a de novo review of the Report and Recommendation. *See, e.g., United States v. Newton*, 259 F.3d 964, 966 (8th Cir. 2001) ("Appellant's failure to file any objections waived his right to de novo review by the district court of any portion of the report and recommendation of the

magistrate judge as well as his right to appeal from the findings of fact contained therein.’” (quoting *Griffini v. Mitchell*, 31 F.3d 690, 692 (8th Cir. 1994))). The court finds no plain error in Judge Scoles’s decision. Accordingly, the court **ADOPTS** the Report and Recommendation (docket no. 28). The Motion (docket no. 16) is **DENIED**.

IT IS SO ORDERED.

DATED this 11th day of February, 2013.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA